IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL WRIT PETITION NOS.47 AND 48 OF 2004

CRIMINAL WRIT PETITION NO.47 OF 2004

Mr. Amit Chaurasia,
aged 17 years,
Indian National,
presently in detention at
Apna Ghar, Merces, Goa,
Through next friend and
brother, Vishnu Kumar
Chauraria, 27 years of
age, married, Indian
National, permanent resident
of Jetwada Village, Zilla
Sapna, Madhya Pradesh, and
now presently residing at
Flat No.179/1 Alto Vella-Vista,
Sangolda, Bardez, Goa. ... Petitioner.

versus

1. The Government of Goa,
   through Chief Secretary,
   Secretariat, Panaji, Goa.

2. Directorate of Women and
   Child Development, Government
   of Goa, Panaji, Goa.

3. Crime Investigation Department,
   Goa Police, Dona Paula, Goa.

4. Apna Ghar, Merces,
   Tiswadi, Goa.

5. Children's Welfare Committee,
   C/o Apna Ghar, Merces,
   Tiswadi, Goa. ... Respondents

CRIMINAL WRIT PETITION NO.48 OF 2004

Mr. Bachalal Amrithlal,
aged 15 years,
Indian National,
prsently in detention at
Apna Ghar, Merces, Goa,
Through next friend,

Vishnu Kumar Chaurasia,
27 years of age, married,
Indian National, permanent
resident of Jetwada Village,
Zilla Sapna, Madhya Pradesh,
and now presently residing at
Flat No.179/1 Alto Bella-Vista,
Sangolda, Bardez, Goa. ... Petitioner

versus

1. The Government of Goa,
   through Chief Secretary,
   Secretariat, Panaji, Goa.

2. Directorate of Women and
   Child Development,
   Government of Goa,
   Panaji, Goa.

3. Crime Investigation Department,
   Goa Police, Dona Paula, Goa.

4. Apna Ghar, Merces,
   Tiswadi, Goa.

5. Children's Welfare Committee,
   C/o Apna Ghar, Merces,
   Tiswadi, Goa. ... Respondents

Mr. Arun Bras De Sa, Advocate for the Petitioner in both the Petitions.

Mr. A. N. S. Nadkarni, Advocate General with Mr. H. D. Naik, Additional Government Advocate for Respondent Nos.1 to 5, in both the Petitions.

CORAM : P. V. HARDAS &
N. A. BRITTO, JJ.

DATE : 31ST AUGUST,2004.

ORAL ORDER(PER P.V.HARDAS, J.)

After hearing the learned Counsel for the parties for some time, Mr. Arun Bras De Sa, learned Counsel appearing on behalf of the Petitioners in both

these Petitions has urged before us that the brother of Petitioner Amit Chaurasia intends to make an application to the Committee constituted under the Juvenile Justice Act, 1986 for placing the two minors in the boarding school at St. Anthony's High School, Monte de Guirim, Bardez, Goa.

2. Mr. A. N. S. Nadkarni, learned Advocate General appearing on behalf of the Respondents, on instructions, from the Director of Women & Child Welfare who is present in the Court states that the authorities under the Act have no objection for handing over the custody of the two minors to the Rector of St. Anthony's High School, Monte de Guirim, Bardez, Goa. The learned Advocate General, however, states that the necessary expenses incurred for the education and the boarding charges would have to be borne by the brother of Petitioner Amit Chaurasia.

3. Mr. Bras De Sa, learned Counsel has readily agreed that the brother of Amit Chaurasia by name Vishnu Chaurasia would bear the expenses of education as well as boarding expenses of the two minors in these Petitions.

4. In view of the statement of the learned Advocate General, which we accept, we direct the

concerned authorities to hand over the custody of the two minors to the Rector, St. Anthony's High School, Monte de Guirim, Bardez, Goa and the necessary expenses in respect of education and boarding of the two minors shall be borne by Vishnu Chaurasia, as agreed by him.

5. We further direct the Rector, St. Anthony's High School, Monte de Guirim, Bardez, Goa not to hand over the custody of the two minors to Vishnu Chaurasia or anyone else unless there is an order from the competent Court in this behalf.

6. In the circumstances, Mr. Bras De Sa, learned Counsel states that he may be permitted to withdraw these Petitions and further requests that as the brother of Petitioner Amit Chaurasia intends to make an application to the Committee constituted under the Juvenile Justice Act, 1986 for restoring the custody of the two minors to him, the same may be decided expeditiously.

7. We further direct that in the event, such an application is made by Vishnu Chaurasia, the Committee shall endeavour to decide the said application in accordance with law.

8. For the reasons recorded above, the

Petitioners are permitted to withdraw the Petitions and the Petitions are dismissed as withdrawn with no order as to costs.

Copy of the Order duly authenticated by the Court Superintendent be given to the learned Counsel for the parties to act upon.

P. V. HARDAS, J.

N. A. BRITTO, J.

RD.